

FREEDOM TO SPEAK UP / WHISTLEBLOWING POLICY

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POLICY SUMMARY
<p>This Policy sets out the rights and responsibilities of staff when raising issues of concern about what is happening at work and aims to make it clear that individual members of staff in the Organisation have a legal right and a duty to raise with their managers or the Trust Board any matters of concern they may have about safety, clinical practice, malpractice or wrong doing which may affect patients, the public, other staff or the organisation itself.</p>
<p>The Trust monitors the implementation of and compliance with this policy in the following ways:</p>
<p>Regular reporting to People, Equality and Culture Committee. Annual reporting to Executive Team and Trust Board. Quarterly reporting to the National Guardians Office.</p>

Services	Applicable	Comments
Trustwide	✓	

**The Director responsible for monitoring and reviewing this policy is
The Executive Director for People and Culture**

ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

FREEDOM TO SPEAK UP / WHISTLEBLOWING POLICY

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ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

FREEDOM TO SPEAK UP (WHISTLEBLOWING) POLICY

Assurance Statement

The Organisation acknowledges the legal right and duty of workers to raise any matters of concern in accordance with this guidance.

In June 2022 NHS England published a National Freedom to Speak up Policy (*Freedom to Speak up Policy for the NHS*), mandated for all NHS Organisations to implement by 31 January 2024. The Trust has therefore adopted this policy (Appendix 1).

This Policy has taken into consideration this guidance. Other documents/guidance that was considered in the drawing up of this policy includes; The Speaking Up Charter, NHS Employers, October 2012, Circular EL(93)51 issued in June 1993 by the NHS Management Executive, Maintaining Clinical Excellence Report published by the Chief Medical Officer, 1996, The Public Interest Disclosure Act (PIDA) 1998, Enterprise and Regulatory Reform Act 2013, the Fit and Proper Person's Test, 2014, the Freedom to Speak up Review, 2015, EPUT's core values and Raising Concerns at Work, published by Whistleblowing Helpline, March 2014; and NHS Improvement's Freedom to Speak Up: raising concerns (whistleblowing) policy for the NHS April 2016.

This policy also compliments professional or ethical rules guidelines and codes of conduct on freedom of speech, such as, for example, the NMC Code of Professional Conduct, the GMC Guidance on Contractual Arrangements in Health Care the NHS Constitution and Duty of Candour.

The management of this policy within the Trust will be applied and demonstrate the Trust's corporate values and behaviours. These values being:

- We Care
- We Learn
- We Empower

In demonstrating these behaviours and values, supporting the achievement of its strategic priorities to:

- Deliver safe, high quality integrated care services
- Enable each other to be the best that we can be
- Work together with our partners to make our services better
- Help our communities thrive

1.0 INTRODUCTION

- 1.1 This Policy sets out the rights and responsibilities of staff when raising issues of concern about what is happening at work and aims to make it clear that:
- Individual members of staff in the Organisation have a legal right and a duty to raise with their managers or the Trust Board any matters of concern they may have about safety, clinical practice, malpractice or wrong doing which may affect patients, the public, other staff or the organisation itself.
 - The Board of Directors is committed to running the organisation in the best way possible. This policy is in place to reassure staff that it is safe and acceptable to speak up and to enable staff to raise any concerns they may have at an early stage and in the right way. Rather than wait for proof we would prefer staff to raise the matter when it is still a concern.
 - The Executive Director responsible for the Freedom to Speak Up agenda in the Trust is the Executive Director of People and Culture.
 - The Trust has in place a Principal Freedom to Speak up Guardian and Local Champions. They are an independent and impartial source of advice to staff, who is able to facilitate access to anyone in the organisation, including the Chief Executive, or if necessary refer staff to outside the organisation to the National Guardian Office
- 1.2 The Trust believes in the importance of raising concerns at work and is committed to encouraging workers to raise concerns openly and transparently as part of normal day to day practice and feels that this mechanism plays an important role in improving quality of service user support and patient safety, ensuring high quality and compassionate care is delivered based on individual human rights.

2.0 DUTIES

- 2.1 This policy applies to all staff who work for the Trust in full-time or part-time roles in a substantive or temporary capacity. It also applies to bank workers, students, trainees, people who are self-employed, employed through an agency, contractors or those working as a volunteer.
- The principles and support mechanisms will also be applicable for students who wish to raise concerns to their education and training providers.
- 2.2 Former employees may also raise concerns in line with this policy and procedure. All concerns must be raised ideally within three months of the last day of employment.
- 2.3 It is an expectation that all staff will raise any concerns about safety, clinical practice, malpractice or wrong doing which may affect patients, the public, other staff or the organisation itself. Every manager has a duty to ensure that staff are able to express their concerns through all levels of management of the Organisation. Managers must ensure that any staff concerns are dealt with thoroughly and fairly and that the staff member raising the concern does not receive any detrimental treatment as a result of raising their concern.

Individual members of staff in the Trust have an obligation to safeguard all confidential information to which they have access, particularly information about individual service users or clients, which under all circumstances is strictly confidential, in line with the General Data Protection Regulation, 2016 (GDPR).

- 2.4 All workers in the healthcare sector should be mindful of the expectations and requirements when identifying concerns in the workplace. Workers registered with a professional regulatory body such as Nursing and Midwifery Council (NMC), General Medical Council (GMC) and Health and Care Professionals Council (HCPC) have to adhere to their respective codes of conduct. Professional codes of conduct usually place a duty on the practitioner to raise concerns where they see instances of poor practice or wrong doing, acting in the best interests of services users and protecting service users from danger. The NHS Constitution emphasises the importance of honesty and openness. It pledges that the NHS will “encourage and support all staff in raising concerns at the earliest reasonable opportunity”. The professional Duty of Candour makes a clear requirement to be open with patients and families when mistakes occur. The Freedom to Speak Up review encourages an environment where staff feel it is safe to raise concerns with confidence that they will be listened to and the concerns will be acted upon across the NHS.
- 2.5 If something is troubling a member of staff which they think the Trust should know about or believe should be looked into, please use this policy, the accompanying procedure and the associated appendices. Any concerns can be raised using this procedure not just concerns relating to patients. If, however, a member of staff wishes to make a complaint about the Trust or about how they have been treated, which is not in the public interest, please use the Dignity, Respect and Grievance Policy, HR2.
- 2.6 If a bank employee wishes to make a complaint about the Trust or about how they have been treated, which is not in the public interest, please use the Temporary Workers Conduct & Complaints Policy and Procedure.
- 2.7 If staff have a concern about financial misconduct or fraud, please refer to the Fraud & Bribery Policy (CP11). Guidelines for Staff must be followed in the event that the suspicion may be considered to fall within the remit of fraud and / or corruption.

3.0 PRINCIPLES

- 3.1 The policy’s accompanying procedure sets out the process to be followed when raising and dealing with a concern.
- 3.2 Individuals raising a concern will be provided with the opportunity to be accompanied by an accredited representative of a Trade Union or Trust work colleague at each stage of the process.
- 3.3 Any clauses within employment contracts that conflict with the protections provided by Public Interest Disclosure Act (PIDA) are void.

Such settlement agreements (previously called compromise agreements) are commonly referred to as ‘gagging clauses’. The Government now requires an inclusion in settlement agreements to make it clear that staff can make a

disclosure in the public interest in accordance with PIDA, regardless of any confidentiality clause. This means that settlement agreements cannot be used by employers in an attempt to stop employees from whistleblowing.

4.0 MONITORING OF IMPLEMENTATION AND COMPLIANCE

- 4.1 The Board of Directors has delegated responsibility to the audit committee for the monitoring and review of this policy which will be reviewed annually.
- 4.2 The Principal Freedom to Speak Up Guardian in conjunction with Employee Relations will record and report on formal whistleblowing concerns raised.
- 4.3 Training is available to all workers and managers on how to raise a concern. This will include information in the Trust induction on how to raise concerns. It is recommended that all new workers complete the training module as part of their local induction process and all existing workers undertake the training module at regular intervals throughout their employment. In particular everyone in leadership and managerial positions should be given regular training on what to do when a concern is raised.

5.0 POLICY REFERENCES / ASSOCIATED DOCUMENTATION

- Speak up for a healthy NHS – How to implement and review whistleblowing arrangements in your organisation). DoH 2nd July 2010 in conjunction with the Social Partnership Forum and Whistleblowing Helpline.
- Circular EL(93)51 issued in June 1993 by the NHS Management Executive, The Public Interest Disclosure, Act 1998, and in line with our core values (see appendix 1).
- Professional or ethical rules guidelines and codes of conduct on freedom of speech, such as, for example, the NMC Code of Professional Conduct, and the GMC Guidance on Contractual Arrangements in Health Care.
- NHS Employers – The Speaking Up Charter. October 2012
- The Public Interest Disclosure Act (PIDA) 1998
- Enterprise and Regulatory Reform Act 2013
- Raising Concerns at Work, published by Whistleblowing Helpline, March 2014
- NHS Constitution
- Professional Duty of Candour
- Fit and Proper Person’s Test, 2014,
- Freedom to Speak up Review, 2015
- Freedom to Speak up (whistleblowing) policy for the NHS April 2016

6.0 REFERENCE TO OTHER TRUST POLICIES/PROCEDURES

- Fraud and Bribery Policy CP11
- Dignity, Respect and Grievance Policy HR2
- Employee Wellbeing, Sickness & Ill-Health Policy/Procedure HR26
- Disciplinary (Conduct) Policy and Procedure HR27A
- Capability Policy and Procedure HR27B
- Maintaining High Professional Standards – HR32

END

EPUT



Essex Partnership University
NHS Foundation Trust

FREEDOM TO SPEAK UP POLICY & PROCEDURE

*ESSEX PARTNERSHIP UNIVERSITY NHS
FOUNDATION TRUST*

CP53 Version created May 2023

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SPEAK UP – WE WILL LISTEN

We welcome speaking up and we will listen. By speaking up at work you will be playing a vital role in helping us to keep improving our services for all patients and the working environment for our staff.

This policy is for all colleagues. The [NHS People Promise](#) commits to ensuring that **'we** each have a voice that counts, that we all feel safe and confident to speak up, and take the time to really listen to and understand the hopes and fears that lie behind the words**'**.

We want to hear about any concerns you have, whichever part of the organisation you work in. We know some groups in our workforce feel they are seldom heard or are reluctant to speak up. You could be an agency worker, bank worker, locum or student. We also know that workers with disabilities, or from a minority ethnic background or the LGBTQ+ community do not always feel able to speak up.

This policy is for all staff and we want to hear all colleagues concerns.

At Essex Partnership University NHS Foundation Trust, we ask that all colleagues, students and volunteers complete the [online training](#) on speaking up. The online module on listening up is specifically for managers to complete and the module on following up is for senior leaders to complete.

You can find out more about what Freedom to Speak Up (FTSU) is in these [videos](#).



THIS POLICY

All NHS organisations, and others providing NHS healthcare services in primary and secondary care in England, are required to adopt this national policy as a minimum standard to help normalise speaking up for the benefit of patients and workers. Its aim is to ensure all matters raised are captured and considered appropriately.

WHAT CAN I SPEAK UP ABOUT?

You can speak up about anything that gets in the way of patient care or affects your working life. That could be something **that doesn't feel right to you, for example: a way of working or a process that isn't being followed; you feel you are being discriminated against;** or you feel the behaviour of others is affecting your wellbeing, or that of your colleagues or patients.

Speaking up is about all of these things.

Speaking up, therefore, captures a range of issues, some of which may be appropriate for other existing processes.

- Dignity, Respect (Bullying, Harassment and Discrimination) and Grievance Policy (HR2)
- Managing Temporary Worker Conduct and Complaints Policy (HR59)
- Employee Wellbeing, Sickness & Ill-Health Policy/ Procedure (HR26)
- Disciplinary (Conduct) Policy and Procedure (HR27a)
- Maintaining High Professional Standards (HR32)
- Capability Policy and Procedure (HR27b)
- Fraud and Bribery Policy (CP11)

We will work with you to identify the most appropriate way of responding to the issue or concern you raise.



WE WANT YOU TO FEEL SAFE TO SPEAK UP

Your speaking up to us is a gift because it helps us identify opportunities for improvement that we might not otherwise know about. We will not tolerate anyone being prevented or deterred from speaking up or being mistreated because they have spoken up.

WHO CAN SPEAK UP?

Anyone who works at EPUT.

This encompasses any healthcare professionals, non-clinical workers, receptionists, directors, managers, contractors, volunteers, students, trainees, junior doctors, locum, bank and agency workers, and former workers.

WHO CAN I SPEAK UP TO?

Speaking up internally

Freedom to Speak Up Guardian

You can contact our Freedom to Speak Up Guardian service by email: f2su.eput@nhs.net, by phone: 07814 226709, or via anonymous webform ([insert link](#)).

You can also contact one of our local guardians. You can find their contact details on our [Freedom to Speak Up intranet page](#).

They can support you to speak up if you feel unable to do so by other routes. The guardian will ensure that people who speak up are thanked for doing so, that the issues they raise are responded to, and that the person speaking up receives feedback on the actions taken. You can find out more about the guardian role [here](#).



FREEDOM TO SPEAK UP

f2su.eput@nhs.net

07814 226709

WHO CAN I SPEAK UP TO? CONTINUED

Speaking up internally

Most speaking up happens through conversations with supervisors and line managers where challenges are raised and resolved quickly. We strive for a culture where that is normal, everyday practice and encourage you to explore this option – it may well be the easiest and simplest way of resolving matters.

However, you have other options in terms of who you can speak up to, depending on what feels most appropriate to you:

- [Senior manager, partner or director](#) with responsibility for the subject matter you are speaking up about
- [The patient safety or clinical governance team](#) for when concerns relate to patient safety or wider quality
- [Report NHS fraud | Help fight fraud within the NHS | Report your fraud concerns and suspicions using a confidential online form \(cfa.nhs.uk\)](#) if you have any concerns about fraud in the NHS you can report this online to the Counter Fraud Authority.
- [The Employee Relations team](#)
- Our Executive Director of People and Culture is the senior lead responsible for Freedom to Speak Up. They provide senior support to our Freedom to Speak Up Guardian and are responsible for ensuring the effectiveness of our FTSU arrangements.
- The Non-Executive Director responsible for Freedom to Speak up is Manny Lewis. Manny provides more independent support to the Freedom to Speak Up Guardian Service ensuring investigations are conducted with rigour and concerns are escalated, if required.
- You can also incident report/ Datix.



WHO CAN I SPEAK UP TO? CONTINUED

Speaking up externally

If you do not want to speak up to someone at EPUT, you can speak up externally to:

- [Care Quality Commission](#) (CQC) for quality and safety concerns about the services it regulates – you can find out more about how the CQC handles concerns [here](#).
- [NHS England](#) for concerns about:
 - GP surgeries, dental practices, optometrists, pharmacies
 - how NHS trusts and foundation trusts are being run (*incl. community and mental health trusts*)
 - NHS procurement and patient choice, the national tariff

NHS England may decide to investigate your concern themselves, ask your employer or another appropriate organisation to investigate (usually with their oversight) and/or use the information you provide to inform their oversight of the relevant organisation. The precise action they take will depend on the nature of your concern and how it relates to their various roles. Please note that neither the Care Quality Commission nor NHS England can get involved in individual employment matters, such as a concern from an individual about feeling bullied.

[NHS Counter Fraud Authority](#) for concerns about fraud and corruption, using [their online reporting](#) form or calling their freephone line 0800 028 4060.

If you would like to speak up about the conduct of a member of staff, you can do this by contacting the relevant professional body such as the General Medical Council, Nursing and Midwifery Council, Health & Care Professions Council, General Dental Council, General Optical Council or General Pharmaceutical Council.

Appendix **B** contains information about making a 'protected disclosure'.

HOW SHOULD I SPEAK UP?

You can speak up to any of the people or organisations listed previously in person, by phone or in writing (including email).

Confidentiality:

The most important aspect of your speaking up is the information you can provide, not your identity.

You have a choice about how you speak up:

- Openly: you are happy that the person you speak up to knows your identity and that they can share this with anyone else involved in responding.
- Confidentially: you are happy to reveal your identity to the person you choose to speak up to on the condition that they will not share this without your consent.
- Anonymously: you do not want to reveal your identity to anyone. This can make it difficult for others to ask you for further information about the matter and may make it more complicated to act to resolve the issue. It also means that you might not be able to access any extra support you need and receive any feedback on the outcome.

In all circumstances, please be ready to explain as fully as you can the information and circumstances that prompted you to speak up.

ADVICE AND SUPPORT

You can access a range of [health and wellbeing support via the intranet](#) or via [NHS England](#)

- Our [staff networks](#) can be a valuable source of support
- [Here for You](#) and [Employee Assistance Programme](#)
- [Staffside/Trade Union](#)
- NHS England has a [Speak Up support scheme](#) that you can apply to for support. You can also contact the following organisations:
 - [Speak Up Direct](#) provides free, independent, confidential advice on the speaking up process.
 - The charity [Protect](#) provides confidential and legal advice on speaking up.
 - The [Trades Union Congress](#) provides information on how to join a trade union.
 - [The Law Society](#) may be able to point you to other sources of advice and support.
 - [The Advisory, Conciliation and Arbitration Service](#) gives advice and assistance, including on early conciliation regarding employment disputes.

WHAT WILL WE DO?

The matter you are speaking up about may be best considered under a specific existing policy/process; for example, our process for dealing with bullying and harassment. If so, we will discuss that with you. If you speak up about something that does not fall into an HR or patient safety incident process, this policy ensures that the matter is still addressed.

Information on making a protected disclosure is shown in Appendix B.

Resolution and investigation

We support our managers/supervisors to listen to the issue you raise and take action to **resolve it wherever possible. In most cases, it's important that this opportunity is fully explored**, which may be with facilitated conversations and/or mediation.

Where an investigation is needed, this will be objective and conducted by someone who is suitably independent (this might be someone outside your organisation or from a different part of the organisation) and trained in investigations. It will reach a conclusion within a reasonable timescale (which we will notify you of), and a report will be produced that identifies any issues to prevent problems recurring. Any employment issues that have implications for you/your capability or conduct identified during the investigation will be considered separately.



WHAT WILL WE DO? CONTINUED

Communicating with you

We will always treat you with respect at all times and will thank you for speaking up. We will discuss the issues with you to ensure we understand exactly what you are worried about. If we decide to investigate, we will tell you how long we expect the investigation to take and agree with you how to keep you up to date with its progress. Wherever possible, we will share the full investigation report with you (while respecting the confidentiality of others and recognising that some matters may be strictly confidential; as such it may be that we cannot even share the outcome with you).

How we learn from your speaking up

We want speaking up to improve the services we provide for patients and the environment our staff work in. Where it identifies improvements that can be made, we will ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate.

Review

We will seek feedback from workers about their experience of speaking up. We will review the effectiveness of this policy and our local process three yearly or earlier if required, with the outcome published and changes made as appropriate.

Senior leaders' oversight

Our most senior leaders will receive a report at least annually providing a thematic overview of speaking up by our staff to our FTSU guardian(s).

APPENDIX A:

What will happen when I speak up?

We will:

Thank you for speaking up

Help you identify the options for resolution

Signpost you to health and wellbeing support

Confirm what information you have provided consent to share

Support you with any further next steps and keep in touch with you

Steps towards resolution:

Engagement with relevant senior managers (where appropriate)

Referral to HR process

Referral to patient safety process

Other type of appropriate investigation/mediation, etc.

Outcomes:

The outcomes will be shared with you wherever possible, along with learning and improvement identified

Outcomes:

If resolution has not been achieved, or you are not satisfied with the outcome, you can escalate the matter to the senior lead for FTSU or the non-executive lead for FTSU

Alternatively, if you think there are good reasons not to use internal routes, speak up to an external body, such as the CQC or NHS England

APPENDIX B:

Making a protected disclosure

A protected disclosure is defined in the Public Interest Disclosure Act 1998. This legislation allows certain categories of worker to lodge a claim for compensation with an employment tribunal if they suffer as a result of speaking up. The legislation is complex and to qualify for protection under it, very specific criteria must be met in relation to who is speaking up, about what and to whom. To help you consider whether you might meet these criteria, please seek independent advice from [Protect](#) or a legal representative.

APPENDIX C:

Responding to unfavourable treatment as a result of speaking up

Introduction

Speaking up is a gift – an opportunity for us to engage with colleagues. A chance to hear different ideas and suggestions, **enhance worker experience, prevent patient harm, and learn and improve when things don't go to plan or could be better.**

One of the biggest barriers to speaking up is a fear of reprisals. Over 600 healthcare colleagues who spoke up across the NHS in 2020/21, believed they experienced some form of disadvantageous and/or demeaning treatment as a result.

The impact for individuals can be devastating and long-lasting. Our health and wellbeing suffers, and these experiences often lead to sickness absence and resignation. We cannot work at our best when our environment feels psychologically unsafe and this impacts on communication, effective teamwork, and safe patient care. It is important that we hear as soon as possible if someone believes they, or others, are in that position so we can work to resolve the situation.

Freedom to Speak Up (FTSU) Guardians have come together to develop this best practice guide to help us respond consistently when colleagues tell us about these experiences, and it has been localised for relevance to EPUT staff.

We call on the support of all healthcare workers to make it as safe as possible for us all to speak up by living our organisational values, treating each other with civility and respect, and creating a just and learning culture where listening and learning **happens every day.**

Guiding principles:

- We can expect to be thanked and treated with dignity and respect when we speak up
- We expect all colleagues to create a psychologically safe environment where speaking up is business as usual
- **We won't tolerate mistreatment or poor behaviour towards colleagues who speak up**
- We appreciate speaking up can affect people in different ways and will do all we can to support everyone involved fairly and with compassion
- Our focus will be on learning and improving
- We encourage colleagues to report any concerns about disadvantageous and/or demeaning treatment
- We will refer all concerns about disadvantageous and/or demeaning treatment to the executive lead for Freedom to Speak Up
- We will follow our Freedom to Speak Up process to ensure any such concerns are fully explored and any necessary steps taken
- We will keep colleagues informed and updated throughout the process.

What we mean by disadvantageous/demeaning treatment:

- This guide refers to treatment as a result of the act of speaking up, rather than the specifics of the matter raised by speaking up. It can be a deliberate act or a failure to act/omission. Sometimes these actions can be subtle and not always easy to recognise. Whilst behaviours might not be intentional, the impact can still be significant if a person believes they are being treated poorly or differently.
- Such treatment may include, but is not limited to:
 - Experiencing poor behaviours not in line with our organisational values e.g. being ostracised, gaslighting, gossiping, incivility. Our values at EPUT can be found [here](#).
 - Given unfavourable shifts; repeated denial of overtime/bank shifts; being denied shifts in a certain area/department without good reason; changes to shifts at short notice with no apparent reason
 - Repeatedly denied annual leave; failure on a regular basis to approve in reasonable time; or leave cancelled without good reason

- Micro-managing; excessive scrutiny
- Sudden and unexplained changes to work responsibilities, or not being given adequate support
- Being moved from a team or inexplicable management of change
- Being denied access to development opportunities; training or study leave without good reason
- Being overlooked for promotion.

Responsibilities:

We appreciate that speaking up can, at times, feel challenging, particularly when we are involved in the issues that are being raised. However, we rely on each other to do the right thing and we all share a responsibility to speak up when we see **something that doesn't feel right. By working together and supporting everyone affected by speaking up, we can prevent** colleagues experiencing poor treatment.

As individuals we share a responsibility to:

- Create a psychologically safe environment where speaking up is business as usual
- Treat our colleagues well when they speak up
- Speak up and be an ally when we witness disadvantageous and/or demeaning treatment
- Listen up and learn from speaking up

As an organisation we have a responsibility to:

- Protect workers who speak up from disadvantageous/demeaning treatment
- Ensure the working environment is a safe one
- Respond to concerns of disadvantageous/demeaning treatment by examining the facts, reviewing outcomes, providing feedback, and reflecting and learning

Recording:

- Reports of disadvantageous/demeaning treatment will be recorded by the Freedom to Speak Up Guardian on the central Speak Up database
- Information will be kept strictly confidential, only shared on a need-to-know basis
- Freedom to Speak Up Guardians are required to report speak up activity on a quarterly basis to the National Guardian's Office. The number of people sharing concerns relating to perceived disadvantageous/demeaning treatment as a result of speaking up is included in this data

What to do:

I/my colleague spoke up and now I believe I am/my colleague is experiencing disadvantageous or demeaning treatment as a result:

Speak to a manager or the Freedom to Speak Up Guardian as soon as possible

(or see FTSU policy for other options of who to speak to)

- Your concern will be taken seriously
- You will be supported whilst your concern is reviewed
- You will be kept informed and provided with feedback
- You will be signposted to wellbeing support if needed

Process after a colleague reports detriment after speaking up to a manager or the Freedom to Speak Up (F2SU) Guardian:

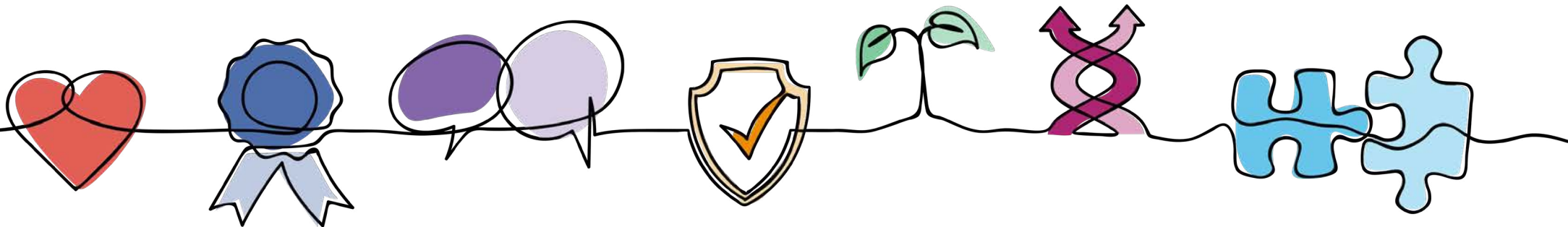
- Clarify matters of confidentiality, what information will be shared and with whom
- FTSU Guardian will record on the central FTSU database
- Consider if any immediate action is required to protect the worker from disadvantageous or demeaning treatment (particularly important in the case of perceived bullying and/or harassment)
- Consider any potential patient safety issues and immediate action required
- Receive assurance that line management arrangements are in place to support anyone who might be affected
- Responsible exec to co-ordinate discussion involving FTSU Guardian and appropriate colleagues, for example, operational colleagues, HR, patient safety, safeguarding, Staff Side

In line with Speak Up process:

- Clarify matters of confidentiality
- Agree how and what to be explored (terms of reference), and timescales for completion
- Identify independent lead for any review/investigation
- Agree arrangements for monitoring and feedback
- Share and record key actions, outcomes, learning and recommendations.
- Share wider learning across the organisation

Freedom to Speak Up:

A guide for leaders in the NHS and
organisations delivering NHS services



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This guide is a collaboration between NHS England/National Guardians Office 2022.

An online version is available at:

www.england.nhs.uk/ourwork/freedom-to-speak-up/developing-freedom-to-speak-up-arrangements-in-the-nhs

Introduction

We want to make the NHS the best place to work.

We want our workers to feel valued and respected at work and to know that their views are welcomed. By meeting their needs, we also enable them to deliver the best possible care.

To do that, we need to provide the best possible working environment – one where speaking up is not only welcomed, but valued as an opportunity to learn and improve.

We each have a voice that counts

Ensuring that all our workers – permanent employees, agency staff, students, volunteers – have a voice that counts is a key part of the NHS People Promise:

We all feel safe and confident to speak up.

And we take the time to really listen to understand the hopes and fears that lie behind the words.

NHS People Promise

Why speaking up matters

When people speak up, everyone benefits. Building a more open culture, in which leadership encourages learning and improvement, leads to safer care and treatment and improved patient experience.

People are the eyes and ears of an organisation. Their views, improvement ideas and concerns can act as a valuable early warning system that a policy, process or decision is not playing out as anticipated or could be improved.

A speaking-up culture benefits staff satisfaction and performance, too. When people feel that their opinions matter and are valued and acted on, they become more committed – and performance and retention improve.

When people feel that speaking up about poor behaviour is welcomed and encouraged, and that it will be addressed at an early stage, organisations become less entrenched in formal employee relations processes. These can be costly and damage relationships.

So, people's voices play a vital role in informing and driving improvement. However, speaking up is not always easy – especially in organisations where leaders do not welcome challenge or change. That is why putting in place effective, person-centred speaking-up processes will support people to speak up and protect them in doing so. That way, more people should feel able to do so – to the benefit of your organisation and workers.

Who this guide is for

This guide is designed to be used by any senior team, owner or board in any organisation that delivers NHS commissioned services. This includes all aspects of primary care; secondary care; and independent providers. This audience has been chosen because it is the behaviour of senior leaders that has the biggest impact on organisational culture and behaviours.

Using this guide, and the accompanying self-reflection tool, will help you:

- build a culture and behaviours that is responsive to feedback from workers
- ensure that your organisation focuses on learning, to continuously improve quality of care and the experience of staff, patients and service users alike
- improve staff survey scores and other worker experience metrics
- demonstrate to regulators or inspectors the work you are doing to develop your speaking-up arrangements.

How to use this guide

This guide provides ideas for how your organisation might adhere with the Principles for leaders and managers ([see page 6](#)), with detailed information on key topics and recommendations for further reading. The accompanying reflection and planning tool, available at www.england.nhs.uk/ourwork/freedom-to-speak-up/developing-freedom-to-speak-up-arrangements-in-the-nhs, is designed to help you identify strengths in yourself, your team and your organisation – and any gaps needing work.

This resource is made up of:

Part 1 is the main guidance, with each section covering the Principles for leaders and managers ([see page 7](#) - the transactional information you need to develop your speaking-up process).

Part 2 shows how speaking up sits within the wider context of a compassionate and inclusive culture, how all elements of such a culture are closely linked to Freedom To Speak Up (FTSU), and must be implemented alongside it ([see page 36](#) - the transformational information you need for culture and behavioural change).

Use this guide alongside the reflection and planning tool as follows:

Step 1: Read the guide.

Step 2: Use the first stage of the reflection and planning tool to evaluate your existing arrangements or to reflect on which principles you want to focus on embedding.

Step 3: Use the second stage of the reflection and planning tool to plan your next steps.

Step 4: Share your plan with your workers, senior team or board, for their feedback or oversight.

Every organisation has its own set of strengths and challenges, and some will be at a more advanced stage in developing speaking-up arrangements than others. This is particularly the case for primary care and integrated care systems. Through 2022/23 NHS England and the National Guardian's Office are working to understand more about how speaking up can be embedded in these organisations and systems.

For this reason, this guide does not give instructions that must be followed from start to end. Instead, it offers guidance within different themes, leaving you free to work on the priorities most relevant to your organisation. The accompanying self-reflection tool will help you ascertain what those are.

A mechanical, tick-box approach to the self-reflection tool is unlikely to lead to a better culture and behaviours. Fundamentally, speaking up involves having a conversation. To be effective, this conversation requires trust and respect. So, improving speaking-up arrangements should begin with honest reflection on how you and your colleagues respond when people do speak up to you.

Terms used in this guide

Organisations	Integrated care boards, NHS trusts, NHS foundation trusts, primary care networks, GP confederations, GP practices, community pharmacies, dentists, optical businesses, independent providers, community interest companies
The leadership	In a trust or integrated care board, the board; in smaller or less complex organisations, a senior leadership group or contract holder
Senior leader	In a trust or integrated care board, executive directors; in primary care, GP partners, principal dentists, superintendent pharmacists, or directors or responsible officers for an optical business
Senior leader for Freedom to Speak Up	In a trust or integrated care board, the executive director responsible for Freedom to Speak Up; in primary care, a member of the senior leadership team
Speaking up	Encompasses matters often referred to as raising concerns, making suggestions for improvement, whistleblowing and protected or qualifying disclosures
Worker	An employee, secondee, contractor, student, volunteer, agency or temporary staff member, locum or governor delivering NHS care

The fundamentals of a healthy speaking-up culture

The principles below are the fundamental requirements for an environment where people feel safe to speak up with confidence.

Principles for leaders and managers

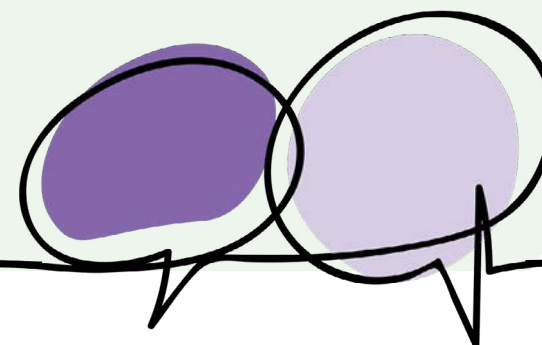
- ① Value speaking up.
- ② Role-model speaking up and set a healthy Freedom to Speak Up culture.
- ③ Make sure workers know how to speak up and feel safe and encouraged to do so.
- ④ When someone speaks up, thank them, listen up and follow up.
- ⑤ Use speaking up as an opportunity to learn and improve.
- ⑥ Support Freedom to Speak Up guardians to fulfil their role in a way that meets workers' needs and National Guardian's Office requirements alike.
- ⑦ Identify and tackle barriers to speaking up.
- ⑧ Know the strengths and weaknesses of the organisation's speaking-up culture and take action to continually improve.

Part 1

Guidance for leaders

Part 1 sets out the transactional information that you need to carry out the Freedom to Speak Up process.

You can work through the sections from start to finish or focus on areas of highest need for your organisation.



Valuing speaking up

Principle 1: Value speaking up.

For a speaking-up culture to develop across the organisation, a commitment to speaking up must come from the top. This section sets out the ways you can demonstrate that commitment.

Understanding the value of speaking up

Before an organisation's leaders can begin to effectively implement their speaking-up arrangements, they need to understand what speaking up is and the value it brings to the organisation.

A culture in which workers feel safe and can confidently share their voice and speak up plays a critical role in organisational effectiveness. Organisations where workers can highlight issues, challenge the status quo or question the norm are better able to innovate, perform well and provide ever safer, more effective care.

Your organisation will not successfully embed this cultural change without the absolute commitment of the people at the top. If you sense any hesitancy or resistance at this level to embedding speaking-up culture across your organisation, you need to invest the necessary time and resource to explore any fears. This may include providing development and coaching to ensure that the value of speaking up is embraced wholeheartedly.

Find out more

A good starting point to understand the importance of speaking up is Sir Robert Francis' [Freedom to Speak Up Review report](#) and the National Guardian's [website](#).



The senior lead responsible for Freedom to Speak Up

Having a senior person to champion Freedom To Speak Up (FTSU) and support your Freedom to Speak Up guardian helps demonstrate to your organisation your commitment to speaking up. Importantly, this person should be widely considered a credible role-model of the behaviours that encourage speaking up. They should be able to show that they are clear about their role and responsibility, and to evidence how they have helped improve the organisation's speaking-up culture.

The senior lead should be accountable for these aspects of the FTSU guardian role:

- fair, inclusive recruitment ([see page 23](#))
- capacity ([see page 24](#))
- evaluating speaking-up arrangements ([see page 30 - 33](#)).

They should also be able to explain to oversight bodies the rationale for decisions around:

- ringfenced time, as well as the checks and balances put in place to show this time is sufficient and effective
- how the guardian was appointed
- how the organisation reviews its speaking-up arrangements.

The non-executive director responsible for Freedom to Speak Up

This non-executive director (NED) role is a senior, independent lead role specific to organisations with boards. In this context, the NED is predominantly a support for the guardian: a fresh pair of eyes to ensure that investigations are conducted with rigor and to help escalate issues, where needed.

They should have an in-depth knowledge of FTSU and be able to readily articulate:

- why a healthy speaking-up culture is vital ([see page 8](#))
- the indicators of a healthy speaking-up culture ([see page 4](#) and [page 11](#))
- the indicators that there is sufficient support for speaking up and wider culture transformation ([see page 24](#))
- the red flags that should trigger concern ([see page 11](#) and [page 32](#)).

The NED is also there to challenge the most senior people in the organisation to reflect on whether they could do more to create a healthy, effective speaking-up culture. This might involve constructively raising awareness about poor behaviours.

Organisations without boards – especially those sharing a guardian across a partnership or network – are likely to benefit from having an equivalent role.

The person responsible for people and organisational development

If your organisation has a dedicated person responsible for organisational development, they have a crucial role in promoting a speaking-up culture and behaviours – especially in ensuring that this permeates throughout the organisation. This requires work in a range of interconnected areas, set out in detail in Part 3: Communicating about speaking up ([page 36](#)).

Investing in a Freedom to Speak Up guardian

The Freedom to Speak Up guardian role is a complex and challenging one. Those in the role need both practical and emotional support.

All guardians should have ringfenced time to fulfil workers' needs. When you are calculating the amount of ringfenced time required for the role, consider the activities set out in the universal job description and the guidance from the National Guardian's Office. Also, factor in time for them to attend network events, supporting other guardians and for training and development in the role.

Contingency planning

It is important that you have contingency plans in place in case a FTSU guardian is unable to work. The plan should ensure:

- timely and helpful communications are sent explaining interim arrangements
- continuity of support for workers
- both the confidentiality agreed and the security of information shared with the Freedom to Speak Up guardian are maintained

Role-modelling speaking up

Principle 2: Role-model speaking up and set a healthy Freedom to Speak Up culture.

Role-modelling by leaders is essential to set the cultural tone of the organisation. This section sets out the ways you can role-model behaviour that leads to a healthy speaking-up culture.

Setting the tone for culture

The cultural tone of the organisation is set at the top. Leadership has the biggest impact on how workers behave – and actions speak louder than words. Workers take their cues on how to behave from the behaviour, decisions and communication style of their leadership. So, as a leader, it is essential that you embody the culture and behaviours you want to see.

To meet the challenges that face health and care, workers need to be curious, innovative, and challenge when they think something is not right. For this to happen, you need to demonstrate that you welcome people speaking up about ideas, issues, problems, challenges, opportunities and innovations.

You also need to show that everyone's voice matters. This involves identifying the barriers to speaking up that your people encounter and working with them to overcome them. Finally, you need to show that you value what you are told, by thanking people and sharing updates on the actions you have taken.



Speaking-up behaviours for leaders: do's and don'ts

DO...

- ✓ Ask workers for their opinions.
- ✓ Speak up yourself.
- ✓ Measure the impact of change.
- ✓ Show how you value speaking up as an opportunity to improve.
- ✓ Tell stories about the change that has occurred from speaking up stories.
- ✓ Encourage others to speak up and constructively challenge one another.
- ✓ Acknowledge that people face barriers to speaking up, understand where they exist, who they affect and develop actions to reduce them.
- ✓ Be visible and approachable and welcome approaches from workers.
- ✓ Listen with gratitude and respond with curiosity rather than defensiveness.
- ✓ When someone speaks up, listen, thank them, act, provide feedback and ask for feedback yourself.
- ✓ Take a 'learn, not blame' approach to dealing with issues and be willing to embrace new ways of working.
- ✓ Publicly acknowledge any mistakes.
- ✓ Accept your guardian's constructive challenge – they are there to help your organisation be the best it can be.

DON'T...

- ✗ Seek out those who have spoken up.
- ✗ Blame people for things that have gone wrong; instead, learn how to improve processes or behaviours.
- ✗ Focus on the person who has spoken up; focus on the issue.
- ✗ Warn people against speaking up 'outside' the organisation.
- ✗ Take a narrow approach to looking into speaking-up matters. Instead, try to get as much learning as possible.
- ✗ Be defensive and immediately start explaining away rather than listening and acknowledging a person's experience.
- ✗ Be too busy to listen.
- ✗ Talk about how to 'limit the damage' of speaking up. Instead, acknowledge mistakes and embrace the opportunity to learn and improve.

Reflecting on leadership behaviour

Given the significant impact of leaders' behaviour, it is vital that you and each of your senior colleagues reflect on your ability to shape culture and, specifically, whether your behaviour encourages or inhibits speaking up.

Ask colleagues to critique your behaviour. Receiving this feedback can be difficult – especially if it is critical – but it offers invaluable opportunities to reflect, learn and develop, so must always be welcomed.

Questions to reflect on

- ① Why and how are outcomes different when you are listening in order to learn, rather than to instruct, correct or win?
- ② How have you widened or changed who you listen to in the last year?
- ③ Who are you instinctively biased towards and against (even if you wish you weren't)?
- ④ Where is the best place to meet people so that they'll feel comfortable speaking up to you?
- ⑤ Do people have a choice about where they can talk to you?
- ⑥ Where do you feel most ready and able to hear what people say?
- ⑦ Where in your diary is there space for spontaneous conversation?
- ⑧ Do normal meetings incorporate enough slack for others to reflect, inquire, challenge and offer new ideas?
- ⑨ What's your reaction to being challenged?
- ⑩ What do you do to make others feel important, comfortable and significant?
- ⑪ How do you phrase your questions in ways that help other people to open up?



Further reading

Edmonson AC (2018). *The Fearless Organization: Creating psychological safety in the workplace for learning, innovation, and growth*. Wiley

Kline N (2002). *Time to Think*. Cassell.

Reitz M, Higgins J (2019). *Speak Up: Say what needs to be said and hear what needs to be heard*. FT Publishing International

Sinek S (2018). [How to change your company's culture with just a pen and paper](#) (video)

West M (2016). If it's about culture, it's about leadership (blog). London: The King's Fund. Available at: <https://www.kingsfund.org.uk/blog/2016/01/if-it%E2%80%99s-about-culture-it%E2%80%99s-about-leadership>

West MA (2021). *Compassionate Leadership: Sustaining wisdom, humanity and presence in health and social care*. The Swirling Leaf Press

West R, Eckert R, Stewart K, Pasmore B (2014). [Developing collective leadership for healthcare](#) (blog). London: The King's Fund.

Horizons [A-practical-guide-to-the-art-of-psychological-safety-in-the-real-world-of-health-and-care-.pdf](#) (horizonsnhs.com)

Cole M, Higgins, J (2021) [Stuck in the middle – and feeling the pinch](#) (blog)

Cole M (2021) [Questioning power](#) (blog)

Communicating about speaking up

Principle 3: Make sure workers know how to speak up and feel safe and encouraged to do so.

Regular, clear and inspiring communication is an essential part of making a speaking-up culture a reality. This section sets out how to develop a communication strategy and the key messages you can use.

Write your speaking-up policy

The first step is to write your speaking-up policy, drawing on the National [Speaking Up policy template](#). Its aim is to encourage speaking up by providing people with information about how to do this and what will happen when they do. Make sure it is well publicised and easily accessible to everyone and that the information it contains is accurate. Update changes, especially to named contacts, as soon as required.

The policy should include options for workers to speak up internally but also externally, if they feel this is preferable.

Top tip: Reaching diverse communities

The best way to reach someone will depend on a range of factors, including their role, their hours, whether they are desk based and any individual access issues, such as language, literacy, disability or health needs. The people who face the greatest barriers to speaking up may be the very people with the greatest need to do so.



Develop strong communication

To create a speaking-up culture, workers need to know that it is right to speak up. They also need to know how to do so and who they can speak to. To embed this understanding, they need to receive regular messages and clear information. This is best managed through a communications strategy.

Your communications strategy should include the following key messages, which you should regularly and consistently share:

- Speaking up is the right thing to do.
- Senior leaders welcome speaking up.
- Leaders want to hear from anyone who has a matter to raise, including ancillary staff, clerical staff, volunteers and temporary staff.
- Speaking up helps keep patients and service users safe and creates a more positive working environment.
- The leadership will take seriously any instances of staff being bullied, discriminated against, harassed or victimised for speaking up.

It should also include:

- clear information about how to speak up – with clear explanations of procedures and examples of different approaches, emphasising that people can speak up informally through day-to-day conversations
- examples, stories and data showing the impact of speaking up, the improvements made and learning generated as a result
- ways to communicate with different groups of workers about speaking up.

Alongside the communications strategy, build in measures to assess the impact of your communications. This enables you to:

- know if you are reaching the whole workforce. This is important, as by identifying who you are not reaching you can determine what other communication channels you should be using
- know which channel, messages or presenter has the biggest impact so that you can exploit that approach when needed
- provide assurance that all workers know how to speak up and have heard that speaking up is welcomed.

Tips:

Things to consider when planning a communication

- Who is the audience (or audiences)?
- What do you want the audience to think, do, say and feel as a result of the communication?
- What are the needs or preferences of each stakeholder group?
- What angle and approach will work best? For example, you might focus on injustice, a 'feel-good' story or someone's personal experience.
- Be persuasive by focusing on the 'why' before the 'how' and the 'what'.



Further reading

[Communications Planning: Getting the right message across in the right way](#). MindTools

Firstup (2019). [How to Improve Internal Communications: Goals & KPIs](#)

Sas C, Schmidt N, Patel A (2001). [A Systems Approach to Communication Process: Case study within an online community](#). Department of Computer Science, University College Dublin.

Sinek S (2011). Start with why: How great leaders inspire everyone to take action. London: Penguin

Timms H, Heimans J (2019). New power: how anyone can persuade, mobilize, and succeed in our chaotic, connected age. New York: Knopf Doubleday Publishing Group

Wheatley M, Frieze D (2006). [Using emergence to take social innovation to scale](#).



Find out more

The National Guardian's Office has produced a [policy review framework](#) that you can use as a tool to assess your policy.



Responding to speaking up

Principle 4: When someone speaks up, thank them, listen up and follow up.

Speaking up is not easy, so when someone does speak up, they must feel appreciated, heard and involved. This may require managers to embed new behaviours and to have the training needed to enable this.

National Guardian's Office training

The National Guardian's Office has published guidance for delivering speaking-up training for health and care workers: [National Guidelines on Freedom to Speak Up Training](#).

The office has also worked with Health Education England to produce online learning for anyone working in health and care. [The Freedom to Speak Up in Healthcare in England programme](#) is designed to help workers understand their vital role in building a healthy speaking-up culture that protects patients and service users and enhances worker experience.

Module 1: Speak up is for all workers, including volunteers, students and trainees. Its aim is to help everyone to understand what speaking up is, how to speak up and what to expect when they do.

Module 2: Listen up is for managers at all levels and focuses on listening and understanding the barriers to speaking up.

Module 3: Follow up is aimed at all senior leaders, to help clarify their role in setting the tone around speaking-up culture and behaviours and how speaking up can promote organisational learning and improvement.

Support managers

Managers play a vital role in supporting senior leaders to set the right cultural tone for speaking up and for handling speaking-up matters effectively. Like you, and your senior colleagues, your managers will have influence over how their teams and colleagues behave. Leaders at every level need to role-model the speaking-up principles. It helps workers feel safe, valued and confident to speak up and workers are likely to emulate the values and behaviours they see in their more senior colleagues.

Make sure managers receive the support they need to handle speaking-up concerns. This could include training on listening and providing emotional and psychological support.

For some, it may also require training on how to carry out investigations where appropriate. It can be helpful to produce support material for managers, to help them create healthy, business as usual, speaking-up cultures.

The tips below are for you, as a leader, to share with your managers.

Tips: Guidance for managers

- Encourage workers to speak up in daily working life, including team meetings, supervisions and informal chats. Remind them that speaking up does not have to involve a formal process.
 - Thank workers who speak up and give them feedback if necessary.
 - If you have concerns of your own, be a positive role-model by speaking up yourself.
 - Familiarise yourself with your organisation's speaking-up arrangements.
 - Encourage curiosity about – and, where you think appropriate – challenge the status quo.
 - Work hard to shift the focus from who has spoken up to what is being said, and from blaming to asking what can be learnt.
- Be aware of the barriers that may prevent workers from speaking up. These include perceptions that speaking up is not acted on, barriers that differing levels of seniority may introduce, or negative responses that make workers feel speaking up is unwelcome.
 - Work hard to understand the barriers that colleagues from minority ethnic communities or people who have been recruited from abroad might face. Other groups of workers may face particular barriers to speaking up, as well – gain an understanding of these too.
 - Accept that not everyone will feel comfortable speaking up to their line manager. This is not necessarily a reflection on the manager's abilities – it could be for many reasons. Make sure your workers know who they can speak to other than you and share contact details for the organisation's guardian in case they need them.



Learning from speaking up

Principle 5: Use speaking up as an opportunity to learn and improve.

The ultimate aim of speaking up is to improve patient safety and the working environment for all NHS workers. The information gleaned through speaking up is a precious resource that can help boost understanding and performance.

Triangulate data to identify wider issues

To help the board or leadership team identify patterns, trends and potential areas of concern, it is helpful to compare the themes in speaking-up cases with other data and information. You can use this intelligence to identify 'hotspots' where speaking up may be happening more or less often than expected, and to identify what aspects of patient safety and quality, worker well-being and culture need attention.

Below is a list of the types of data that could be used. The size of your organisation will determine how much of this you have available. At a minimum, a smaller organisation could triangulate speaking-up matters with indicators of the quality and safety of patient care (such as patient complaints) and indicators of work well-being (such as sickness rates).

Questions to ask of your data

- Why do some departments and staff groups have no issues?
- Who are the outliers, and why?
- Which departments and staff groups have consistently occurring issues?
- How have some departments been able to reduce their number of issues or increase the levels of speaking-up matters raised?
- What is the cause of unexpected spikes?
- Are any issues concentrated in one department or directorate, or do all types appear across different teams or parts of the organisation?

Data you could compare

Patient safety	Worker experience
Patient complaints	Grievance numbers and themes
Patient claims	Employment tribunal numbers and claims
Safeguarding issues	Exit interview themes
Patient safety incidents	Sickness rates
Near misses	Retention figures
Never events	National Staff Survey results, including response rates
Patient experience dashboard data	The National Quarterly Pulse Survey
Friends and Family Test data	Polls or pulse surveys
	Workforce Race Equality Standard, Workforce Disability Equality Standard, Stonewall Equality Index data
	Levels of suspension
	Use of settlement agreements
	Leadership behaviours survey
	Thematic reviews
	Use of suggestion and similar schemes
	Engagement in worker reward and recognition schemes

Tip: Working with data

Make sure your guardian has support from experts to interpret statistical information and that they are able to present all data and other intelligence in a way that maintains confidentiality.



Learn for improvement

The process of building a speaking-up culture requires an organisation to learn over time. As well as putting training in place ([see page 16](#)), it is helpful to learn from other organisations going through similar changes or facing similar issues to your own, and sharing good practice. The steps below show how to apply this learning to your organisation.

Step 1: Identify good practice This may be in a number of places including (but not limited to):

- National Guardian's Office case or speaking-up reviews
- NHS England bulletins
- National Guardian's Office monthly newsletters, blogs and case studies published on its website
- FTSU guardian regional and national networks
- FTSU support groups operating in integrated care systems or primary care networks
- your organisation's public information on speaking up – for example, on your website or in board papers or improvement plans.

Step 2: Carry out a gap analysis Complete a simple self-assessment or gap analysis against the good practice. Consider which aspects of the good practice are relevant to your organisation. If, at first, some appear irrelevant, could you adjust them to your organisational circumstances?

Step 3: Update your plan If you identify any improvement actions, add them to your annual improvement plan, to give your senior team or board an overview of the continuous improvement work you are doing.

Step 4: Share the good practice you have seen or generated, following the communications advice in Section 3.



Supporting Freedom to Speak Up guardians

Principle 6: Support guardians to fulfil their role in a way that meets workers' needs and National Guardian's Office requirements.

The guardian role is a wide-ranging and complex one. Not only does it involve responding to workers who speak up and supporting them – it also involves:

- gaining a deep understanding of the organisation's speaking-up culture
- working extensively across the organisation to enable all speaking-up process to work well
- working in partnership and challenging senior leadership
- acting as a point of triangulation where quality of services and worker experience meet.

The role is expected to operate with a high degree of independence. However, this must be achieved without creating a sense of isolation or at the expense of co-operation. Guardians deal with complex, often distressing situations, supporting workers who may be in crisis. So, in addition to practical support, they need time and access to support mechanisms for themselves.

Find out more

The guardian job description must follow the [universal job description](#) drawn up by the National Guardian.

The guardian must follow the guidance produced by the [National Guardian's Office](#).

Guardian development must follow the [National Guardian's education and training pack](#).

The National Guardian's Office provides [guardian training](#) and maintains a [guardian database](#).



The guardian role

The guardian role is designed to meet several important outcomes. To achieve them, the role involves:

- **Reactive elements** Responding to workers who want to speak up and managing each case, including the initial conversation, by accurately recording, following up and feeding back
- **Proactive elements** Specifically:
 - looking at barriers to speaking up and working in partnership to help reduce them
 - communicating the role and making sure there is appropriate training on speaking up
 - supporting and challenging senior leaders, including through producing regular reports for the senior team or board
- **National requirements** Fulfilling the expectations of the National Guardian's Office, including:
 - providing information and regular data returns such as details of the cases they handle
 - reading and carrying out gap analyses based on case review or [speaking-up review reports](#)
 - playing an active part in guardian networks, including attending regional and national meetings, training and other events
 - making sure their knowledge and skills are current, including taking part in National Guardian Office training, keeping abreast of and implementing national guidance, and taking part in other activities such as webinars and conferences
- **Other elements** Including self-development, taking part in supervision or mentoring where needed, and supporting their own emotional and psychological well-being.

Guardian models

If the workers in your organisation do not already have access to a guardian, decide whether you want to appoint one to support your own organisation or to share guardian support with a partner organisation.

For smaller organisations, there are pros and cons for each option:

- **Guardians who work within the organisation they support** are close to where care is delivered and the people who deliver it. They understand local culture and can build trust. However, managing confidentiality and real or perceived conflicts of interest can be challenging. Guardians may be too close to the issues that workers wish to speak up about and risk losing essential impartiality.
- **Guardians who work outside the organisations they support** may be seen as more independent, but their distance from the organisation could affect their visibility, relationship building and capacity for proactive culture-building activities.

Further reading

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Sharif N (2020). [Inclusive Recruitment Toolkit](#). London: NHS England

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Recruiting guardians

Appointments to guardian roles – whether paid or voluntary – must be based on fair, open and inclusive competition. This is important for three reasons:

- It reassures workers that their guardian will operate independently, impartially and objectively (as they are required to).
- It gives workers more assurance they will be supported and listened to when they speak up.
- It provides opportunities for a diverse pool of candidates who can bring a wide range of skills, experience and values to the role.

Despite this, in 2020 62% of respondents to the National Guardian's 2020 Survey report revealed they had been recruited without open competition. This presents a risk for their organisations: if workers do not trust that their guardian is independent and impartial, they may not speak up.

Tips: Appointing a guardian



- Given the importance of being able to encourage minority ethnic workers and other groups of people to speak up, make sure the selection process includes an assessment of the candidates' ability to:
 - understand unconscious bias
 - sensitively ask probing questions to draw out discrimination
 - appreciate the factors that may prevent minority ethnic people from speaking up
 - understand people's different cultures and behaviours.
- Once the guardian is recruited, they need to undertake training from the National Guardian's Office and register on the Guardian Directory. Your guardian cannot begin to publicise their role or handle cases until they have been trained and registered.

Evaluating ringfenced time

However much ringfenced time is currently allocated to the guardian, you must have measures in place to evaluate whether they, and those who support them, have enough time.



Tips:

Questions to help evaluate the adequacy of ringfenced time

- Does the guardian have time to carry out both the reactive and the proactive parts of the role as well as satisfying development needs?
- How long do workers wait between approaching the guardian and the initial conversation, to better understand the matter they are speaking up about?
- How far are champions satisfied with the amount and quality of leadership and training they receive to support them in their role?
- What does feedback highlight about workers' experience of the speaking-up guardian when they have spoken up?
- Has the guardian completed all their actions on the speaking-up improvement action plans - on time and to a high standard?

Factors to include in your calculations

- **The number of workers in your organisation** - The larger your workforce the more time your guardian will need to help them speak up.
- **The number of organisations your guardian supports** - Irrespective of the number of staff, the more organisations your guardian supports, the more time they will need to engage with different senior leadership teams, work in partnership with others and properly understand and address barriers to speaking up.
- **Geographical spread and the number of sites** - In spread-out organisations, guardians may need to spend more time to connect with people, developing digital communications and engagement, or providing leadership to champions.
- **Progress against indicators** - The greater the need for improvement highlighted by tools like the [NHS Workplace Race Equality Standard \(WRES\)](#) and [Workplace Disability Equality Standard \(WDES\)](#), the more likely it is your workers need to speak out. It is also more likely that the issues they do speak out about will be complex and will take more time to talk through, understand and resolve.
- **Improvement initiatives** - Any widescale work that seeks to address cultural issues may increase people's awareness of, and willingness to speak up about, related matters.
- **The wider context** - The general environment in which your organisation is operating has an impact on workers. So, at times of change – such as mergers, organisational or operational restructuring, changes in Care Quality Commission (CQC) rating or entering special measures – guardians may see increased workloads.

Line managing the guardian

Unless the guardian has the skills, resources and support to provide a positive speaking-up experience, workers may lack the confidence to speak up – or, if they do, may not want to repeat the experience. So, as with any other role, the guardian will benefit from the support of a line manager as well as senior people to escalate matters to.

They also need to meet their organisations' wider expectations around line management – for example, supporting guardians to evaluate and address any development needs and to assess their performance appropriately.

Line managing a guardian is similar to line managing any other role. The main differences relate to the risks of breaching confidentiality or impinging on the guardian's independence. The guardian and their line manager need to address and clarify those issues early in their relationship, to make sure expectations are clear.

Find out more

Line managers will find the National Guardian Office's [universal job description](#) and guardian's [education and training guide](#) useful, as well as other [guidance](#).



Troubleshooting

The level of speaking up in an organisation, and the support that a guardian will need to provide, will fluctuate over time. Periods of significant change, incidents that identify poor quality, and external factors that might affect the workforce may all indicate that the available level of guardian support should be reassessed.

Case-handling procedures

It is important to have clear procedures in place around how cases are managed and handled. This helps with transparency and enabling everyone to understand the role they play. Having clarity on roles will help you swiftly escalate serious safety issues. Ideally, develop these procedures in partnership with managers, as they play a key part in looking into the concerns brought to the guardian.

Speaking-up data

The guardian is required to provide data to the National Guardian's Office each quarter. This enables learning and gives confidence to workers about the commitment of the organisation to building an open culture. Please support your guardian in this regard.

Tackling barriers to speaking up

Principle 7: Identify and tackle barriers to speaking up.

However strong an organisation's speaking-up culture, there will always be some barriers to speaking up, whether across the entire organisation or in small pockets. Finding and addressing them is an ongoing process.

Identify barriers to speaking up

Barriers are likely to shift over time, depending on how safe and confident workers feel at work (their internal, psychological wellbeing) and on external factors, such as changes in others' behaviour, financial security, difficulties at home or colleagues gossiping.

It is vital that the leadership team has a deep understanding of their workforce and empathy for those who are least heard. Freedom To Speak Up (FTSU) guardians play an important role in helping leaders identify the groups of people facing barriers and in helping deliver actions to bring about change.



Examples of barriers to speaking up

- Perceptions that nothing will happen as a result
- Fear of being viewed as a troublemaker
- Fear of judgement about raising a matter
- Fear of reprisals from colleagues, peers, managers
- Fear of impact on career
- Fear of jeopardising employment or residency status
- Language and cultural barriers
- Lack of confidence in the process
- Lack of trust in the FTSU guardian
- Lack of confidence the senior team will take the concern seriously
- Lack of positive experience about the benefits of speaking up
- Lack of time or not knowing how to speak up
- No response from the senior team after speaking up before
- Dissatisfaction with the investigation into, or response to, a previous speaking-up matter
- Communications about speaking up being delivered in a narrow or formulaic way

Groups that may face barriers

Anyone may feel vulnerable or encounter barriers to speaking up at any time. However, the [2020 Guardian Survey](#) highlighted the following people as facing particular barriers to speaking up:

- members of minority ethnic groups
- people identifying as LGBTQ+
- people living with disabilities or long-term health conditions
- people who have spoken up previously
- people without regular access to IT
- people on the lower pay bands
- students
- junior doctors on rotation, part-time workers, night-shift workers and community-based workers
- very senior workers who are concerned about career progression
- people who have been recruited from abroad and are working in England on a visa
- people who trained abroad
- people who had previously lived or worked in a culture in which concerns were not raised.

Tackling barriers

The best way to identify the barriers and assess how prevalent they are is to talk to people: through one-to-ones, focus groups, discussions with networks, forums, polls, surveys, digital message boards and social media.

Staff networks provide a place for people to come together and share their experiences. They may be somewhere those who are least often heard feel safe and included. So, it is crucial that Guardians build strong connections with all staff networks as part of their work to understand the barriers some people face to speaking up. The very purpose of staff networks is to make a difference, so working with them to co-create solutions would be sensible, and may give proposed changes more traction.

Barriers break down gradually as trust grows – and this happens when people's actions match their words. Most of the work to break down barriers involves ensuring clear and consistent messaging, role-modelling the behaviour you ask of others and following through on your commitments.

Appoint speaking-up champions

Only FTSU guardians can handle cases, but to promote speaking up and build trust with people who experience barriers to speaking up, many organisations also use a network of champions. This approach has been particularly effective in organisations with a large geographical spread and multiple sites, or where a guardian works across a partnership or networks of organisations.

It is important that the champion role is well understood – by the champions themselves and by the workers they are supporting.



Find out more

National Guardian's Office (2021). [Guidance on Champion and Ambassador Networks: Guidance for Freedom to Speak Up guardians](#). London: NGO



Tips: Building trust

- Demonstrate that when people speak up, leaders and managers listen and follow up.
- Communicate through a variety of traditional, digital and social-media channels and enlist the help of community influencers.
- Include speaking up in all local induction programmes – not just the corporate one.
- Repeatedly emphasise to groups most likely to face barriers that you value the voice and experience of all your workers.
- Repeatedly send messages to the whole organisation that you, and other senior leaders, will not tolerate people victimising those who speak up.
- Raise awareness of the importance of civility, respect, diversity and inclusion.
- Talk to people about their fears and ask what would help them speak up, making sure you respond compassionately and empathetically and thank them for sharing their experiences.
- Implement a 'just culture' approach across the whole organisation to ensure that the emphasis is on improvement, not blame.
- Understand your own biases.
- Understand the pressures workers face, and their fears – particularly in those from under-represented groups or those that have faced exclusion or discrimination.
- Show you will take time to listen well and take issues around bias and discrimination seriously.

Tackle detriment

Speaking up is often associated with retaliation or detriment.

- **Retaliation** is intended harm to the person who has spoken up.
- **Detriment** is the harm experienced by the person who has spoken up, even if this harm was not intended.

Retaliation and detriment can impact on the person's health and well-being and may lead them to leave the team or organisation. Some people who have spoken up say that even though they felt that speaking up led to a positive outcome, they found the process stressful and believe that this stress had a negative impact on their performance.

Examples of detriment

- Being dismissed, a contract not being renewed or being made redundant
- Receiving a negative performance appraisal or disciplinary action
- Being moved to less-desirable duties or locations, or being demoted or suspended
- Being denied the information or resources to do the job properly
- Being overlooked or denied access to promotion or training
- Being criticised for speaking up
- Being refused support to manage the stress associated with speaking up
- Being bullied, excluded or treated negatively
- Being perceived as a troublemaker

If a worker feels they have experienced detriment as a result of speaking up, the matter should be looked into by their manager or someone more independent, or through your formal grievance procedure. You may also consider signposting the worker to NHS England's [Speaking Up Support Scheme](#). Your organisation's process should be set out in your speaking-up policy.

Ideally, a senior speaking-up lead, such as the non-executive director (NED), should have sight of any grievances that involve allegations of detriment.

You and your senior colleagues need to communicate that detriment will not be tolerated. When it does occur, it is important that you act – and are seen to act.

It is one thing to respond to detriment when it happens. It is another to proactively try and prevent it occurring. So, it is important that guardians share themes and learning from the work they do around allegations of detriment to enable individuals and teams responsible for organisational development to think through how to prevent it.

Continually improving speaking-up culture

Principle 8: Know the strengths and weaknesses of the organisation's speaking-up culture and take action to continually improve.

Building a speaking-up culture requires continuous improvement. Two key documents will help you plan and assess your progress: the improvement strategy and the improvement and delivery plan.

Writing your improvement strategy

You will want to develop a Freedom To Speak Up (FTSU) improvement strategy, but it does not matter what you call it as long as it incorporates goals that are well thought out, measurable and have been signed off by the senior team or board.

The strategy should set out clearly how speaking up fits in with the organisation's overall strategy and how it supports the delivery of related strategies. So, it should highlight the benefits of developing your speaking-up culture alongside other work to develop a healthy culture and behaviours, compassionate leadership and an inclusive workplace, and to increase civility and respect. Part 3 of this guide ([page 36](#)) shows how working on Freedom to Speak Up has a positive knock-on effect on many other important aspects of your culture and improvement work.

The strategy needs full buy-in from managers because its success depends on their willingness and ability to look into whatever matters are raised through the guardian.



Tips: Writing the improvement strategy

- Articulate a clear and ambitious vision about what you want speaking up to look like in your organisation.
- Set out ambitions and aims, based on a diagnosis of any speaking-up issues or areas for improvement that the organisation is currently facing. This should draw on learning from the National Guardian's case-review recommendations and best practice from others (for example, peer networks).
- Highlight any groups of people, geographical locations or service areas needing focus.
- Include clear objectives, measures and targets to monitor improvement.
- At the planning stage, think about what the values, behaviours, skills or knowledge you need to underpin your strategy.
- Co-producing the strategy with a diverse range of relevant stakeholders, including managers, will ensure there is a shared vision for speaking up.
- It should be signed off by the senior team or board, with planned periodic updates.
- Make sure the objectives include a focus on developing leadership values, behaviours, skills and knowledge that will help deliver the speaking-up vision.

The improvement and delivery plan

An improvement and delivery plan will help you deliver the strategy and attain the goals it sets out.

At first, the plan may focus on delivering your strategy, but over time it may evolve to include further actions in response to ad hoc gap analysis from best practice or recommendations from the National Guardian's [guidance or case reviews](#).

A good plan will contain success measures and information about how you will measure whether you have achieved your improvement goals.

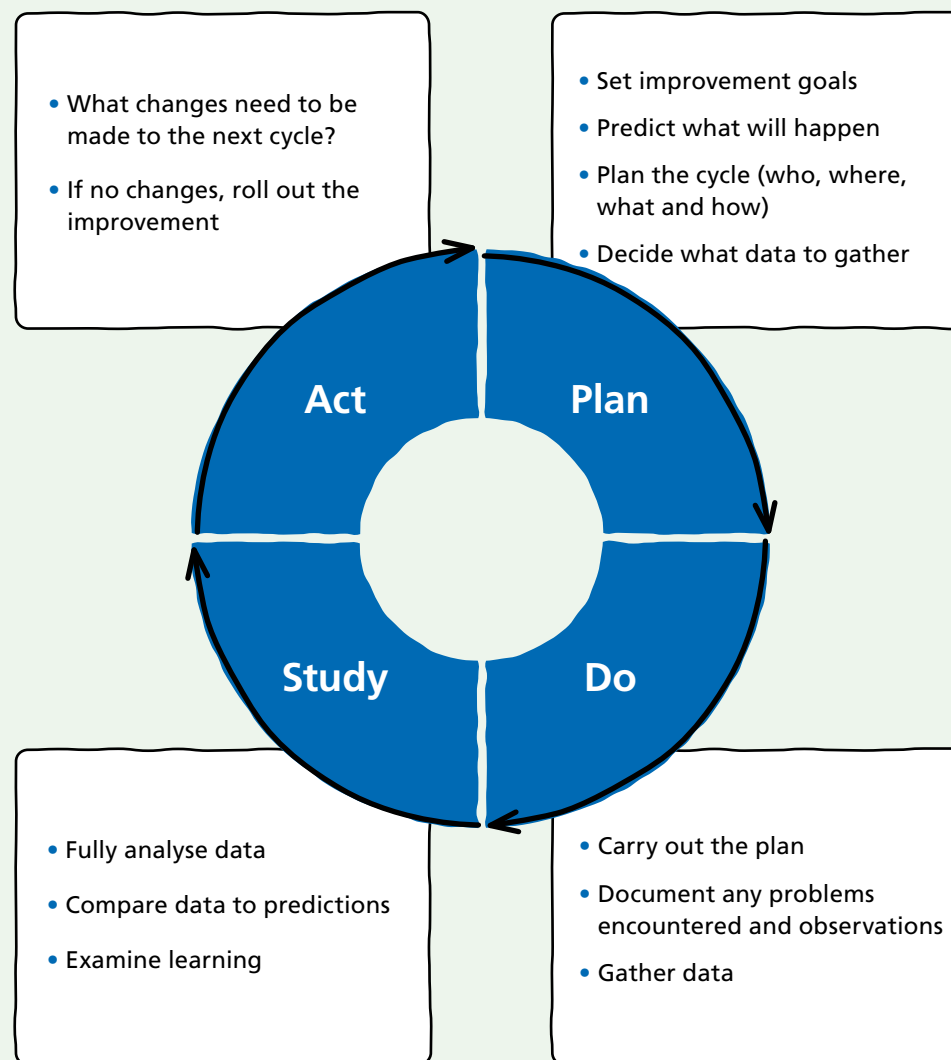
Sharing the updated plan and a progress report with your workers, senior team and board, if you have one, will demonstrate that you value speaking up.

Continuous improvement

Implementing a speaking-up culture is not a linear process. It takes time, and discovering which activities make the most difference to your organisation involves trial and error. Once you have implemented your improvement action plan (see above), you need to measure its impact to assess whether it is genuinely leading to positive change. The best way to do this is through a quality improvement approach to measuring and assessing for improvement.

A common model used in quality improvement is plan, do, study, act (PDSA) – also known as small cycles of change. This model (shown in Figure 2) shows an ongoing process of implementing, testing and changing, to create incremental improvements rather than a single, radical transformation, with each cycle of change building on previous learning.

Figure 2: The plan, do, study, act model





Find out more

Plenty of resources are available to help you develop your understanding of quality improvement and build skills. NHS England provide several useful resources:

- [Improvement Fundamentals](#) is a free course providing an introduction to improvement.
- [The Sustainable Impact Framework](#) is a tool that systematically captures the impact of widescale change programmes, tailored to support improvement work in complex systems.
- [Making Data Count](#) is a suite of practical guides and tools to help in using data to measure progress over time in system and service improvement. The resource includes simple tools and guidance on run charts and statistical process control charts.
- [The Statistical Process Control Tool](#) is free and easy to use. Paste in your data and it will generate a chart and flag anything needing investigation.

Indicators of concern

- Low numbers of cases (or none at all) are being raised with guardians.
- A high proportion of the cases raised are anonymous.
- A high proportion of the cases raised include an element of detriment for speaking up.
- The guardian does not have enough time to complete the activities set out in the universal job description, follow the guidance from the National Guardian's Office, attend network events and develop in the role.
- Guardians express frustration at the lack of support or action from their board or senior leaders.
- A guardian has been recruited through a process that was not fair and open.
- The annual staff survey (if your organisation has one) has a low participation rate.
- Your organisation scores poorly in response to Question 18f in the NHS Staff Survey or has a high overall score but certain groups score negatively.
- There is a low reporting rate for serious incidents and never events.
- There are lengthy delays in looking into speaking-up cases.
- Little change or learning is identified from speaking-up cases.
- There is high staff turnover overall, or in specific areas.
- Levels of worker satisfaction indicated by the staff survey, or within specific groups of people, are low overall.

Assurance

An important part of a speaking-up culture is having assurance that certain factors are working well. You and your senior colleagues or board need to seek ongoing assurance that the following are taking place:

- workers speak up with confidence and are treated well
- if there is evidence that a worker has been victimised as a result of speaking up, action is taken to address this
- workers who have suffered victimisation as a result of speaking up receive appropriate support and redress
- barriers to speaking up are identified and tackled
- all leaders and managers role-model speaking up and set a positive tone for speaking up
- learning is identified and shared across the organisation
- improvement actions are monitored and evaluated to ensure they lead to improvements.

Ways to gather assurance

Seeking assurance requires a proactive approach as the factors above may not be immediately apparent without some investigation, using a number of different approaches to gather information. For example:

- **Listen to workers** - Gather people's experience through walkabouts, conversations with governors, speaking-up cases, guardian user feedback, grievance themes, exit interviews, worker experience stories, polls and surveys, social-media comments, culture and behaviour reviews, staff networks and trade union representatives. What are workers telling you about the speaking-up culture and what needs improving?
- **Request a report from your guardian** - You should receive this at least twice a year.
- **Identify and audit the 'problem areas'** - Go out and actively seek problems, hold listening interventions and identify issues and themes, compare data from different sources to get a bigger picture, and do deep dives to identify what aspects of your speaking-up culture need to improve.
- **Assess governance** - If you have a NED, ask them to assess the effectiveness of your organisation's processes to ensure that the board, senior team and managers get to hear about risks and issues.
- **Learn from others** - Complete a gap analysis against what other organisations are doing, new national guidance, Model Hospital data, National Guardian Office case reviews ([summary doc](#)) or CQC thematic reports, to identify what about your speaking-up culture needs improving. Most of the analysis will be completed by your guardian. However, this does not preclude the senior lead for FTSU or the senior team or board forming their own views on areas for improvement.

The guardian report

The guardian writes and presents this report. The senior lead may support the guardian in this to ensure their report reflects internal house style, but the ideas, themes or issues they present must not be distorted. The report should not simply consist of a list of data, themes or activities carried out. It has to contain a detailed assessment – the ‘so what?’.

Further reading

National Guardian’s Office (year). [Recording Cases and Reporting Data: Guidance for Freedom To Speak Up guardians](#). London: NGO



The guardian report should have three parts.

Part 1 (assessment of cases) should provide assurance that matters being spoken up about are quickly evaluated, escalated and responded to. It should also observe whether change has occurred as a result and what assurance the Guardian has received from the relevant manager that any change will address the issues highlighted and prevent them from arising again.

Part 2 (action taken) focuses on:

- providing assurance that FTSU arrangements are continually evaluated and improvements identified
- illustrating the barriers that exist in your organisation and what the plan is to remove them
- providing information on the level of detriment for speaking up and any issues underlying this
- offering assurance that there are good processes for dealing with this, that the processes are used and there is an action plan for improvement (no matter how good or bad things are)
- assurance that the speaking-up arrangements are continually improving as a result of user feedback, audit and gap analysis against good practice.

In Part 3, the report makes recommendations.

Full detail of the contents is shown on the next page.

What the guardian report should include

Part 1. Assessment of cases

- The number and types of cases being handled by the guardian(s)
- Analysis of trends, including whether the number of cases is increasing or decreasing, any themes in the matters being raised (such as types of issue, particular groups of workers who speak up or areas of the organisation in which matters are being raised more or less frequently than might be expected), and information on which groups of workers are, or are not, speaking up
- What has been learnt and what improvements have been made as a result of workers speaking up
- Potential patient-safety or worker-experience issues
- How speaking-up matters fit into a wider patient safety or worker experience context, to help build a broader picture of the speaking-up culture, barriers to speaking up, potential patient safety risks, and opportunities to learn and improve.

Part 2. Action taken to improve speaking-up culture

- Actions taken to increase the guardian's visibility and promote all speaking-up channels
- Actions taken to support any workers who are unaware of the speaking-up process or who find it difficult to speak up
- Assessments of the effectiveness of the speaking-up process and individual case handling, including user feedback, pulse surveys and learning from case reviews
- Potential improvements following reports of workers feeling they have suffered detriment for speaking up
- Actions taken to improve the skills, knowledge and capability of workers to speak up, to support others to do so, and to respond to the issues they raise effectively.

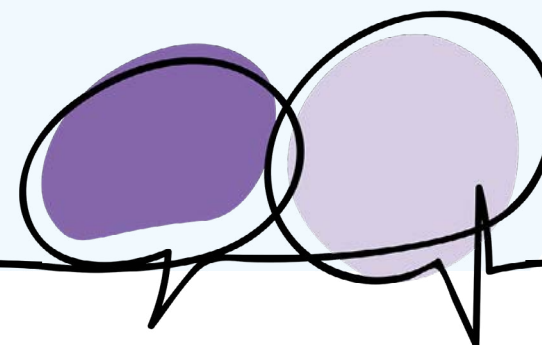
Part 3. Recommendations

Recommendations for any required action, with data and other intelligence presented in a way that maintains confidentiality.

Part 2

Building widespread cultural change

Part 2 sets out other transformational work that you could carry out alongside work on Freedom to Speak Up.



Carry out wider cultural improvement

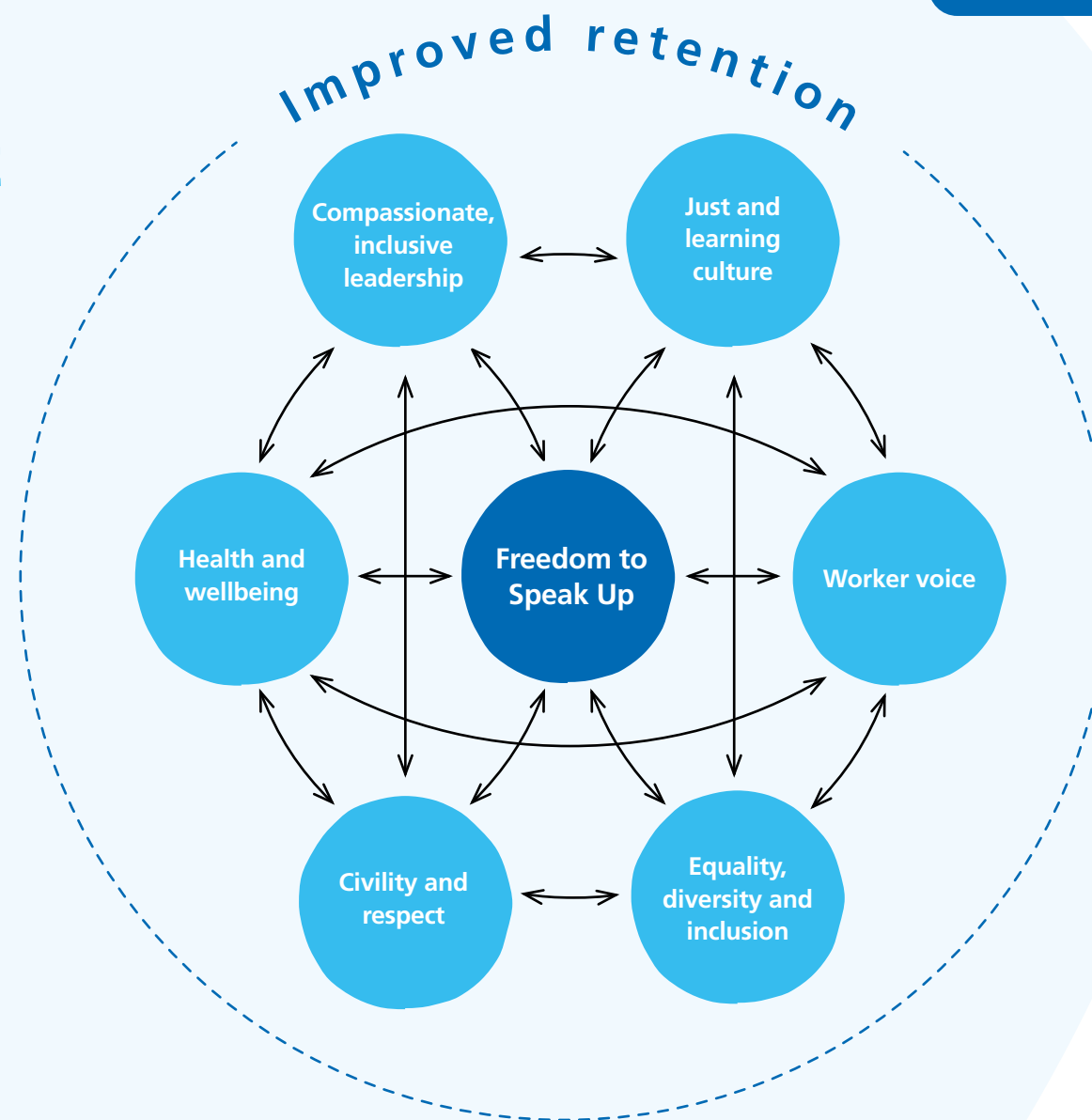
Ideally, improving your speaking-up culture should form part of wider culture improvement work because a healthy speaking-up culture is also one where people feel safe and confident to:

- share their thoughts, experiences and improvement ideas
- participate in health and wellbeing conversations
- call out incivility, discrimination or bullying.

Compassionate and inclusive working environments have a positive impact on staff engagement, too. If people feel comfortable doing all these things, this increases the likelihood they will stay working within the NHS.

For detailed information on how to retain staff read the [Improving staff retention: a guide for line managers and employers](#).

This part of the guide highlights the powerful links between Freedom to Speak Up (FTSU) and other elements of a compassionate and inclusive culture. The individual sections provide an overview of the relevant elements. They are not presented in priority order.



Compassionate, inclusive leadership

Compassionate and inclusive leadership has a profound impact on health and care at every level, from the experience of patients, service users and workers to the effectiveness of teams, organisations and systems. This approach to leadership is a key component of positive worker experience and wellbeing. Research has shown that the experience of staff supported by compassionate leaders is strongly associated with good quality of care for patients and service users.

It is also a powerful facilitator for innovation. Compassionate leaders support the creative and problem-solving process by giving time to every individual, understanding their challenges, empathising with them, and having the motivation to help each person to whom they offer leadership.

It involves being present for all and helping all those they lead. To nurture a culture of compassion, organisations require their leaders to be the 'carriers of culture' – to embody compassion in their leadership.

How it links with speaking up

When leaders set a tone of psychological safety in an organisation, people feel more able to speak up about the things that concern them. Creating a compassionate, inclusive culture ensures that every voice really matters and that every concern or issue raised will be treated respectfully. This supports staff wellbeing as well as retention.

Leaders are key to creating an environment that enables psychological safety, through:

- paying attention to those around them and seeing for themselves the challenges that colleagues face
- listening carefully and getting alongside colleagues who feel there are concerns within the organisation
- seeking to truly understand and empathise with those who want to improve care by raising issues
- taking action to determine how, together, colleagues can make the changes they wish to see.

Find out more



NHS England's [Culture and Leadership programme](#) is a modular which provides organisations the opportunity to understand more about their own culture using evidence based tools to help them develop compassionate, inclusive and collective leadership that will bring about culture change.

Further reading



Catlin K (2021). *Better Allies – Everyday actions to create inclusive, engaging workplaces*, 2nd edn. Better Allies Press.

NHS England. [The Culture and Leadership programme](#) links to a host of resources including guidance, case studies and wider reading, in particular:

- Changing healthcare cultures – through collective leadership
- What does compassionate and inclusive leadership mean to us?
- Trauma Informed Compassionate Leadership – Helping NHS leaders, teams and individuals to recover from the trauma of COVID-19, a compassionate approach

West MA (2021). *Compassionate Leadership: Sustaining wisdom, humanity and presence in health and social care*. The Swirling Leaf Press.

Wise T (2020). *Fieldnotes on Allyship: Achieving equality together*. Our Human Family Inc.

Just and learning culture

'Just culture' is a concept adopted from systems thinking. It holds that mistakes usually result from organisational issues rather than individual fault. 'Learning culture' is a related approach in which the senior teams or board commit to ongoing learning. In health and care, a just and learning culture helps workers feel confident to speak up when things go wrong, rather than fearing blame if they do so. Supporting workers to be open about their mistakes allows valuable lessons to be learnt so that organisations can prevent the same errors from being repeated.

How it links with speaking up

A just and learning culture creates an environment where Freedom To Speak Up can thrive – because speaking up when things go wrong becomes normal, everyday practice. Both approaches focus on learning when things go wrong and improving as a result, rather than finger-pointing or seeking blame (sometimes expressed as 'what was responsible, not who is responsible').

This does not equate to an uncritical, overly tolerant culture where 'anything goes': it means everyone being accountable but also feeling supported by their organisation.



Further reading

NHS England. [A Just Culture Guide](#).

Horizons [A-practical-guide-to-the-art-of-psychological-safety-in-the-real-world-of-health-and-care-.pdf \(horizonsnhs.com\)](#).



Find out more

[Principles and Practice of Restorative Just Culture](#). Four-day course. Mersey Care NHS Foundation Trust in partnership with Northumbria University.

Worker voice

Worker voice (also known as staff voice or employee voice) is the means by which people communicate their views at work and influence matters that affect them. A person's level of psychological safety strongly affects how they feel about sharing thoughts with others in the workplace, so this provides a bedrock for voice.

Effective voice contributes to multiple positive outcomes, not only for individuals but also for organisations and systems, as it supports innovation, productivity, increased job satisfaction, employee engagement and wellbeing and, ultimately, staff retention. When workers can speak out about their experience, this enables organisations to create a great work environment. This, in turn, helps organisations provide the best possible care, attract and retain staff, and improve staff health and wellbeing.

Like other areas of cultural improvement, building effective voice within an organisation has to be done through multiple initiatives – designing and developing approaches to communications and line management that nurture trust, which, in turn, enables workers to use their voice. It also involves looking at other factors that impact on worker experience, such as wellbeing, employer brand and communication. To be effective, this work must be championed by leaders.

How it links with speaking up

This guide focuses on speaking up as a means of reporting an area of concern. However, speaking up also encompasses completing the national NHS Staff Survey, the new quarterly pulse survey, sharing thoughts with a senior leader on a board walkabout or using social media to share an opinion. All of these are ways for workers to share their voice.

Find out more

NHS England. [We each have a voice that counts](#). Includes links to multiple resources including webinars, books, case studies, articles and training.

In April 22 the Staff Engagement Team in NHS England published a Listening Strategy. The document is designed to consolidate existing information about the national tools available to listen to staff and how each provides a complementary view of worker behaviour and sentiment to support improving employee experience and in tandem – patient experience. It also proposes several ways that NHS Trusts could expand on their approach to listening. The document will be available via [Employee Experience and Engagement - FutureNHS Collaboration Platform](#).

For NHS organisations three listening tools are available: the [NHS Staff Survey](#), the [National Quarterly Pulse Survey](#) and [the monthly Pulse Survey](#), as well as the accompanying free [People Pulse Diagnostic Tool](#).

A short animation describing how the Staff Survey links to the People Promise <https://youtu.be/UT2Qwj8nqvc>



Equality, diversity and inclusion

Equality, diversity and inclusion (EDI) has been described as the golden thread that runs through everything that happens in health and care. It informs behaviour, planning, policy, practice, process, operations and strategy and – above all – care. Applying the EDI lens to our work means consciously and actively advancing equality and producing evidence for continuous improvement, to keep workers, patients and service users physically and psychologically safe. This is not just our duty as care providers: it is a moral imperative.

Inclusion through speaking up can further be reinforced by enabling an 'effective ally' workforce. This involves workers effectively intervening, reporting incidents and speaking up on behalf of others. An effective ally can help de-escalate or even stop wrongdoing and put a halt to bad behaviours.

This is in contrast to a bystander culture within workplaces where, despite witnessing wrongdoing to others, people do not speak up. This can have detrimental effects on workplace experience and, ultimately, patient care.

How it links with speaking up

The most vulnerable workers need to feel that it is safe to speak up. By collecting and analysing data to identify any differences in the workplace experiences of different groups, colleagues with a focus on EDI and speaking up can work together to make sure everyone has equal access to speaking up and no one feels that speaking up is not for 'someone like them'.

As a relational exercise, speaking up is effective only if 'listening up' occurs too. This can happen only in psychologically safe spaces where equality and inclusion are the norm and where people across organisations (including line managers and guardians) are familiar with EDI principles. So, it is important that organisations support the growth of staff networks and encourage people's engagement with them. Guardians should reach out to the workforce via the staff networks.



Further reading

British Medical Association (2018). [Bullying and harassment: how to address it and create a supportive and inclusive culture](#)

Kline R (2019). [Leadership in the NHS](#). BMJ Leader 3(4).

Kline K, Somra G (2021). [Difference matters: the impact of ethnicity on speaking up](#). National Guardian's Office.

NHS England. [NHS Workforce Race Equality Standard](#).

West E, Nayar S, Taskila T (2017). The progress and outcomes of Black and Minority Ethnic (BME) Nurses and Midwives through the Nursing and Midwifery Council's Fitness to Practise Process. London: University of Greenwich/NMC.

NHS England - [Equality, Diversity and Inclusion resources on FutureNHS](#)

Civility and respect

Civility and respect sit behind a positive workplace culture – they are the way people should treat each other. ‘Civility’ describes a behaviour: treating someone politely or with courtesy. ‘Respect’ involves valuing other people’s experience and feelings. The two are closely linked, as people show their respect for someone by acting with civility.

In health and care, civility and respect involve supporting, valuing and respecting workers for what they do and showing kindness, compassion and professionalism towards workers, patients and service users.

This means addressing behaviours such as unconscious bias, micro-aggressions and micro-behaviours, gossiping, undermining or excluding individuals, along with more obviously visible examples of bullying or harassment, such as rude or unkind behaviour, using a harsh tone of voice, raising one’s voice, rolling one’s eyes, making sharp comments or being overtly critical.

It also means ensuring that people are civil in their digital communication, avoiding making sharp, harsh or insulting comments on email or social media.

Working in an environment where these behaviours take place can have a debilitating impact on people’s health and wellbeing, as well as their performance. Supporting our workers to demonstrate civility and respect, and resolving conflict effectively and informally, is likely to help reduce sickness absence, turnover, presenteeism and low morale, as well as addressing poor communication skills that may lead to allegations of bullying and harassment.

How it links with speaking up

People need to feel confident that if they call out poor behaviour, they will not experience detriment or retaliation ([see page 30](#)). Creating and promoting psychologically safe spaces by promoting positive working relationships helps make staff feel secure, supported and confident to speak up, providing a healthier outlook for all. A speaking-up culture – whether speaking to line managers or guardians – plays a crucial role in developing a culture of civility and respect.

Further reading

NHS Employers (2019). [Professionalism and Cultural Transformation Toolkit](#). NHS Employers.

Porath C (2016). [Mastering Civility: A manifesto for the workplace](#). New York: Grand Central Publishing

Turner C. [When rudeness turns deadly](#). TED talk about incivility by UK emergency medicine consultant.

Find out more

[The Civility and Respect Toolkit and Framework](#) offers a practical, evidence-based overview on thinking and action, to understand what employees are experiencing and how this is contributing to workplace stressors and, ultimately, the cultural feel of the organisation. (Section 6 of the toolkit provides links to further resources.)

[civilitysaveslives.com](#) is the website of a group of UK health professionals who aim to raise awareness of the power of civility in medicine.

Health and wellbeing

For health and care organisations to provide high quality patient care, and to retain a happy and healthy workforce, colleagues need to feel supported at work and able to talk about wellbeing when they need to. Leaders, teams and employers should be offering their workforce access to support that helps them stay well at work. Support should always be available, and at a range of levels – including across teams, organisations, and sectors.

Before COVID-19, the NHS had started to put increasing emphasis on the health and wellbeing of its workers. The NHS People Plan and People Promise make key commitments to create and sustain cultures of wellbeing across the NHS and build on learning gained during the pandemic. This includes leaders thinking about wellbeing in a holistic manner and the many ways someone's wellbeing can be affected, as well as considering the impact of every experience, from a workplace induction to having access to breaks and safe spaces or to the relationship with their line manager.

Organisations are encouraged to promote and support the health and wellbeing of their workforce, not take the traditional approach of acting only when someone is unwell. This includes actively supporting colleagues to access occupational health and wellbeing when needed, and proactively checking in with colleagues to ask how they are. Creating an environment where people are happy and healthy, and supported to achieve their individual ambitions while delivering the highest levels of care, will help retain them in the NHS.

How it links with speaking up

For workers to speak up, they need to feel safe, respected and included, and assured that they will not be discriminated against. But they also need to feel they will be supported, looked after and cared for.

At the same time, developing a culture where workers feel safe to speak up and that, if they do, action will be taken, will help them feel more able to be open and honest during conversations about their health and wellbeing.

Find out more

The [NHS health and wellbeing framework and diagnostic tool](#) sets out the standards organisations need to meet for their workers to feel well, healthy and happy at work.

Three initiatives are being rolled out in the NHS:

- **Wellbeing guardians** are new roles, designed to provide oversight on speaking up at board level.
- **Health and wellbeing champions** are being appointed at all levels, to promote, identify and signpost ways to support wellbeing to colleagues.
- **Health and wellbeing conversations** are one-to-one meetings focus on the health and wellbeing every worker, revised at least annually. These conversations are designed to support the above two roles. Organisations can use this guidance on how to approach a conversation about wellbeing.

Find out more about [health and wellbeing champions](#).



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